

REMARKS

This amendment is in response to an Office Action dated October 29, 2002. In the Office Action, claims 10-15, 18, 28-33, 36, 46-51, 54, 64-69, and 72 were rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over US Patent 6,061,451 (Muratani) in view of US Patent 6,028,932 (Park). Applicant respectfully submits that the wording of the rejection included the term "anticipated," normally reserved for § 102 rejections. However, multiple references are cited, among other things, it appears that the wording was a typo so we shall address the rejection as a § 103(a) rejection. Applicant respectfully traverses the rejection in its entirety.

As set forth below, claims 10, 28, 46, and 64 have been revised. Such revisions are not related to statutory requirements for patentability. Applicant respectfully requests the Examiner to enter such amendments.

With respect to the outstanding rejection, claims 10-15, 18, 28-33, 36, 46-51, 54, 64-69, and 72 stand rejected under 35 U.S.C. § 103(a) as being rendered unpatentable by Muratani in view of Park.

In order to identify at least one limitation that is not disclosed or suggested by either Muratani or Park, reference labels (A)-(I) have been added to claim 10 (listed on Page 2 of the Office Action).

Applicant's claim 10, as amended, recites:

10. (Twice amended) A copy management method for controlling the recording and reproduction of digital content comprising:

(A) receiving a digital bitstream including scrambled program data, said scrambled program data including system information and said digital content in a scrambled format;

(B) descrambling in a first conditional access unit said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

(C) providing a second output including said digital content in the scrambled format;

(D) outputting said first output including said digital content in the descrambled format and the second output including said digital content in the scrambled format;

(E) receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program data;

(F) selecting at least one of the access requirements;

(G) storing the scrambled program data and the selected at least one access requirement;

(H) retrieving the stored scrambled program data and the stored access requirement; and

(I) descrambling the retrieved stored scrambled program data using the retrieved stored access requirement in a second conditional access unit.

In general, the Office Action states that Muratani discloses Applicant's elements (A) – (G) (Page 2), does not explicitly disclose Applicant's elements (H) and (I) (Page 3), that Park discloses (H) and (I) (Page 3), and that the combination of Muratani and Park makes obvious Applicant's claim 10 (Page 3). Applicant respectfully traverses the rejection because a prima facie case of obviousness has not been met.

For instance, on page 3 of the Office Action, it is alleged that Park discloses "retrieving the stored scrambled program data and the stored access requirement (column 8, lines 12-17) and descrambling the scrambled program using the access requirement in a second conditional access unit (column 8, lines 37-48)." Applicant respectfully submits that the referencing of claim language to support a §103(a) rejection is impermissible because, as the Examiner is aware, a claim "is no measure of what [a patent] discloses." See *In re Benno*, 226 USPQ 683, 686 (Fed. Cir. 1985). Thus, Applicant respectfully requests the Examiner to specifically point out where in the specification each and every limitation is present in lieu of relying on the claims or withdraw the rejection.

Moreover, Applicant respectfully submits that Muratani does not disclose all of Applicant's elements (A)-(G) as alleged in the Office Action. Specifically, element (G) claims "storing the scrambled program data and the selected at least one access requirement." In contrast, Muratani discloses the receipt of scrambled data (S_A) and an output of $S_A S_B$, which is a double scrambled format. Nowhere does Muratani disclose or even suggest the storage of the scrambled program data (S_A)

or S_AS_B and a selected at least one access requirement as in Applicant's claim 10. Likewise, Park fails to provide such disclosure or suggestion as to the storage of scrambled program data and at least one access requirement.

For these reasons, Applicant submits that the Office Action has not established a prima facie showing of obviousness and respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection as to claim 10 and those claims dependent thereon.

As per amended claims 28, 46, and 64, these claims also include a limitation pertaining to the storage of the scrambled program data and at least one access requirement. Therefore, for the same reasons as discussed above, Applicant further requests withdrawal of the § 103(a) rejection and allowance of independent claims 28, 46, and 64 as well as those claims dependent thereon.

CONCLUSION

Applicant respectfully submits that all claims are in condition for allowance, and requests allowance of all claims.

The Examiner is invited to call Alan Heimlich at 408 720-8300 x326 if there remains any issue with allowance.

Please charge any shortage to our Deposit Account No. 02-2666 and take any extension of time necessary.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Alan Heimlich
Attorney for Applicant
Reg. No. 48,808

Date: January 21, 2003

Customer No. 008791
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

MARKED UP VERSION TO SHOW CHANGES

In the Claims

Please amend the claims as follows:

10. (Twice amended) A copy management method for controlling the recording and reproduction of digital content comprising:

receiving a digital bitstream including scrambled program data, said scrambled program data including system information and said digital content in a scrambled format;

descrambling in a first conditional access unit said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

providing a second output including said digital content in the scrambled format;

outputting said first output including said digital content in the descrambled format and the second output including said digital content in the scrambled format;

receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program data;

selecting at least one of the access requirements;

storing the scrambled program data and the selected at least one access requirement;

retrieving the stored scrambled program data and the stored access requirement; and

descrambling the retrieved stored scrambled program data using the retrieved stored access requirement in a second conditional access unit.

28. (Twice amended) A copy management apparatus for controlling the recording and reproduction of digital content comprising:

a receiver to receive a digital bitstream including scrambled program data, said scrambled program data including system information and said digital content in a scrambled format;

a descrambler in a first conditional access unit to descramble said digital content in a scrambled format to provide a first output including said digital content in a descrambled format, to

provide a second output including said digital content in the scrambled format;

outputting said first output including said digital content in the descrambled format and the second output including said digital content in the scrambled format;

receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program data;

selecting at least one of the access requirements;

storing the scrambled program data and the selected at least one access requirement;

retrieving the stored scrambled program data and the stored access requirement; and

descrambling the retrieved stored scrambled program data using the retrieved stored access requirement in a second conditional access unit.

46. (Twice amended) A computer readable medium containing instructions which, when executed by a processing system, cause the system to perform a method for controlling the recording and reproduction of digital content comprising:

receiving a digital bitstream including scrambled program data, said scrambled program data including system information and said digital content in a scrambled format;

descrambling in a first conditional access unit said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

providing a second output including said digital content in the scrambled format;

outputting said first output including said digital content in the descrambled format and the second output including said digital content in the scrambled format;
receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program data;
selecting at least one of the access requirements;
storing the scrambled program data and the selected at least one access requirement;
retrieving the stored scrambled program data and the stored access requirement; and
descrambling the retrieved stored scrambled program data using the retrieved stored access requirement in a second conditional access unit.

64. (Twice amended) A copy management apparatus for controlling the recording and reproduction of digital content comprising:

means for receiving a digital bitstream including scrambled program data, said scrambled program data including system information and said digital content in a scrambled format;

means for descrambling in a first conditional access unit said digital content in a scrambled format to provide a first output including said digital content in a descrambled format;

means for providing a second output including said digital content in the scrambled format;

means for outputting said first output including said digital content in the descrambled format and the second output including said digital content in the scrambled format;

means for receiving a plurality of access requirements, wherein each access requirement can descramble the scrambled program data;

means for selecting at least one of the access requirements;

means for storing the scrambled program data and the selected at least one access requirement;

means for retrieving the stored scrambled program data and the stored access requirement; and

means for descrambling the retrieved stored scrambled program data using the retrieved stored access requirement in a second conditional access unit.